



ORDINANCE 579 AMENDED

**An ordinance adopting the 2012 version of the International Code Council
International Swimming Pool and Spa Code.**

Sponsored by: **5th District Councilwoman Joann I. Personti**
 6th District Councilwoman Deborah Norkavage

First and Second Reading: April 10, 2014 Council Meeting

Results: **Passed** **5 In Favor, 0 Opposed with 2 Absent**

Third and Final Reading: May 08, 2014 Council Meeting

Results: **Passed** **6 In Favor, 0 Opposed with 1 Absent**

ORDINANCE 579

AMENDED

An ordinance adopting the 2012 version of the International Code Council International Swimming Pool and Spa Code.

WHEREAS, The current code of the Town of Elsmere does not contain enforceable regulations governing swimming pools, spas, hot tubs, aquatic facilities and related equipment; and

WHEREAS, The Mayor and Council believe the lack of regulations concerning swimming pools, spas, hot tubs, aquatic facilities and related equipment must be addressed.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL
OF THE TOWN OF ELSMERE, THE FOLLOWING:**

Section 1.

A certain document, three (3) copies of which are on file in the office of the Code Enforcement Office of the Town of Elsmere, being marked and designated as the International Swimming Pool and Spa Code, 2012 edition, as published by the International Code Council be and is hereby adopted as the Pool and Spa Code of the Town of Elsmere, for regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Pool and Spa Code on file in the office of the Code Enforcement Office are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, prescribed in Section 2 of this ordinance.

Section 2.

The following sections are hereby revised:

a. In Chapter 1, Part 1, Section 101.1:

Insert "the Town of Elsmere" where the code says [NAME OF JURISDICTION].

b. In Chapter 1, Part 1, Section 102 Applicability:

Delete Section 102.2 Existing Installations, in its entirety.

c. **In Chapter 1, Part 1, Section 105.6.2:**

Delete the current wording in its entirety and insert in its place the following;
"The fee schedule shall be established by the Town Manager and shall be amended as needed and become attached as an appendix to this chapter".

d. **In Chapter 1, Part 1, Section 105.6.3 (2):**

Insert "50%" where the code says [SPECIFY PERCENTAGE].

e. **In Chapter 1, Part 1, Section 105.6.3 (3):**

Insert "50%" where the code says [SPECIFY PERCENTAGE].

f. **Chapter 1, Part 1, Section 107.4:**

Insert "misdemeanor" where the code says "[SPECIFY OFFENSE] not more than [AMOUNT]".

g. **In Chapter 1, Part 1, Section 107.4:**

Insert "not less than \$75.00 nor more than \$500.00" where the code says "not more than [AMOUNT]".

h. **In Chapter 1, Part 1, Section 107.4:**

Insert "30" where the code says [NUMBER OF DAYS].

i. **In Chapter 1, Part 1, Section 107.5:**

Insert "\$75.00" in place of the first [AMOUNT] that appears in this subsection.

j. **In Chapter 1, Part 1, Section 107.5:**

Insert "\$300.00" in place of the second [AMOUNT] that appears in this subsection.

k. **In Chapter 1, Part 2, Section 105:**

Insert a new 105.1.1 to read as follows;

All pools over 24" from ground to top of pool, shall obtain a permit.

l. **In Chapter 2 Section 202 Definitions:**

In the definition of "Aquatic Vessel" replace (12 inches (305 mm)) with (24 inches (610 mm))

m. **In Chapter 3 Section 301:**

Insert a new 301.2 to read as follows; All above-ground pools are to be placed a minimum of 5' away from the property line.

n. **In Chapter 3, General Compliance**

Insert a new 303.5 to read as follows; All Pools which are less than 24" from the ground to the top of the pool shall be emptied when not occupied.

o. **In Chapter 3, Section 305.5:**

Delete 305.5 in its entirety and insert a new 305.5 to read as follows;
Ground pools exceeding 24" from the ground to the top of pool, shall be required to have a barrier for the entire perimeter of the pool and which also complies with Section 305.2

p. **In Chapter 3 Section 320:**

Insert a new 320.4 to read as follows; All discharge of pool water requires dechlorination prior to discharge.

q. **In Chapter3 Section 320:**

Insert new 320.5 to read as follows; All discharge of pool water shall be discharged as to not create a nuisance to neighboring properties.

Section 3.

That Section 303 of Chapter 3 of the International Property Maintenance Code 2000 Edition, as published by the International Code Council and adopted by Chapter 171 of the Code of the Town of Elsmere, Section E4107 of Chapter 41 of the International Residential Code 2000 Edition, as published by the International Code Council and adopted by Chapter 171 of the Code of the Town of Elsmere and all other ordinances or parts of laws in conflict herewith, with the exception of Chapter 190-7 (a)(2)(a) of the Code of the Town of Elsmere are hereby repealed.

Section 4.

That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Elsmere hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5.

That nothing in this legislation or in the Pool and Spa Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired, or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation. The Town of Elsmere hereby adopts the 2012 edition of the International Swimming Pool and Spa Code, regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment in the Town of Elsmere; providing for the issuance of permits and collection of fees therefore; repealing Section 303 (Swimming Pools, Spas and Hot Tubs) of the 2000 International Property maintenance Code as adopted by Chapter 171 Article II of the Code of the Town of Elsmere and all other ordinances or parts of laws in conflict therewith.

March 13, 2014

First and Second Reading

April 10, 2014

Third and Final Reading

Steven E. Burg, Mayor

Joann I. Personti, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS

ORDINANCE 579

This Ordinance adopts regulations governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment and throughout the Town.

Fiscal Impact: None except for a minor increase in permit fees.